

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2310 - SB 2290**

March 11, 2020

**SUMMARY OF BILL:** Removes the requirement that individuals must possess a marriage license prior to a marriage ceremony. Requires the Attorney General to defend local officials in actions brought against them for issuance or failure to issue a marriage license or if represented by private counsel, with defense costs being reimbursed by the state.

**ESTIMATED FISCAL IMPACT:**

**Decrease State Revenue – Exceeds \$883,200/FY20-21 and Subsequent Years**

**Decrease Local Revenue – Exceeds \$833,200/FY20-21 and Subsequent Years**

**Other Fiscal Impact – For each instance of reimbursement of defense costs for local officials, it is estimated that an increase in state expenditures will exceed \$10,000.**

**Assumptions:**

- According to the Department of Health, from 2016 to 2018 there were 166,638 marriage certificates filed for an average of 55,546 (166,638 / 3) annually. This figure is estimated to remain constant into perpetuity.
- Pursuant to Tenn. Code Ann. § 8-21-701(1), § 36-6-413(b)(2), § 67-4-411(a), § 67-4-502, and § 67-4-505, various taxes and fees are assessed for the issuance of a marriage license, with a minimum of \$15 remitted to local government and a minimum of \$15 remitted to the state.
- Removing the requirement of a marriage license will result in a recurring decrease in state revenue exceeding \$833,190 (55,546 x \$15) and a recurring decrease in local revenue exceeding \$833,190 (55,546 x \$15) beginning in FY20-21.
- County clerks are responsible for numerous duties including acting as clerk of the county legislative body, issuing motor vehicle titles and registrations, collecting privilege taxes, issuing marriage licenses, beer permits, and pawnbroker licenses. Due to the extent of duties currently performed by the county clerk, it is reasonably assumed that removal of marriage license issuance from such duties will not result in a decrease in staffing requirements or office expenditures; therefore any decrease in local expenditures is considered not significant.
- This analysis assumes local officials will be represented by private counsel in actions brought against the issuance or failure to issue marriage license. While reimbursement

will vary case to case, any reimbursement provided is reasonably estimated to result in an increase in state expenditures exceeding \$10,000.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

/jrh